

## MILPITAS PLANNING COMMISSION AGENDA REPORT

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Category: New Business

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**TITLE:** P-AD2003-7

**Topic:** A Resolution finding the proposed purchase of property by the Milpitas Redevelopment Agency is consistent with the General Plan.

**RECOMMENDATION:** Adopt Resolution No. 493

**Attachments:** a) Draft Resolution  
b) Vicinity Map

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### BACKGROUND

With direction provided by the Redevelopment Agency City staff has participated in negotiations with the County of Santa Clara for purchase of the three County parcels located along South Abel Street listed below (vicinity map also provided as an attachment):

APN 83-05-009 - approximately 20 acres of an existing 28± acre vacant parcel

APN 86-11-013 - 9± acre vacant parcel

APN 86-10-025 - 1± acre parcel which contains the Cracolice Building, 540 S. Abel St.  
(temporary location of the Milpitas Senior Center)

This acquisition is subject to a purchase and disposition agreement and the disposition of the properties is still under negotiation. The Planning Commission will have the opportunity to review the General Plan conformance of the disposition. The recommend action for this resolution is related only to the acquisition. The City has had a long-term goal of facilitating development of the County surplus properties to prevent expansion of the Elmwood Correctional Facility and this acquisition is the first step towards the realization of this goal.

Section 65402 of the California Government Code requires the Planning Commission to review acquisition of property by the Agency or City for conformance with the General Plan. The purchase of these properties conforms to the General Plan as supported by the following General Plan Policies:

49.

- 2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance.
- 2.a-I-8 Establish redevelopment projects to secure funds that can be used to attract commercial, industrial, and residential development in order to eliminate blight and improve an area.

### **RECOMMENDATION**

Adopt Resolution No. 493 finding the proposed purchase of property by the Milpitas Redevelopment Agency is consistent with the General Plan.

**RESOLUTION NO. 493**

**RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF MILPITAS MAKING A DETERMINATION OF CONFORMITY  
WITH THE GENERAL PLAN ON THE PROPOSED PURCHASE BY  
THE MILPITAS REDEVELOPMENT AGENCY OF PROPERTIES DESCRIBED  
AS APN NOS. 86-11-013, 86-10-025, AND A PORTION OF 86-05-009  
LOCATED IN MILPITAS, CA**

WHEREAS, in furtherance of the goals and objectives of the Redevelopment Plan for the Milpitas Redevelopment Project Area ("Redevelopment Plan"), the Milpitas Redevelopment Agency ("Agency") is proposing to purchase from the County of Santa Clara, the real properties described as Assessor's Parcel Nos. 86-11-013, 86-10-025, and a portion of 83-05-009 ("Property"); and

WHEREAS, the Property is located in the Milpitas Redevelopment Project Area No. 1 and the acquisition of the Property by the Agency will facilitate the development of the Property; and

WHEREAS, Section 65402 of the Government Code provides in part:

- (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes . . . if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition . . . ha[s] been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.
- (c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) . . . in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition . . . ha[s] been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof.; and

WHEREAS, the Redevelopment Plan provides that the permitted land uses, land use standards and other evaluation guidelines of the Redevelopment Plan shall be those set forth in the General Plan; and

WHEREAS, the Planning Commission has considered the General Plan and other pertinent reports and documents.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MILPITAS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Planning Commission hereby finds and determines, pursuant to Section 65402 of the Government Code, that the location, purpose and extent of the proposed purchase by the Agency of the Property is in conformity with the General Plan.



Section 2. This Resolution shall be deemed the report of the Planning Commission pursuant to Government Code Section 65402 concerning the Agency's proposed purchase of the Property.

PASSED, APPROVED AND ADOPTED this 28<sup>th</sup> day of May, 2003.

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CHAIR OF THE PLANNING COMMISSION  
OF THE CITY OF MILPITAS

ATTEST:

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SECRETARY OF THE PLANNING COMMISSION  
OF THE CITY OF MILPITAS



Calaveras Blvd.

8605009  
(portion)

8610025

S. Main St.

8611013

S. Abel St.

Great Mall Pkwy